

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 5

March 11, 2003

SUBJECT: REQUESTING RELEASE FROM COURT APPEARANCE ON TRAFFIC CITATIONS-ESTABLISHED

PURPOSE: The Department has established procedures to excuse an officer's court appearance for felony, misdemeanor, and juvenile cases. While it is possible for an officer to either be placed on-call or to have a misdemeanor or felony case continued, these alternatives are not available in traffic citation cases.

This Order establishes Department procedures, which may excuse an officer's traffic court appearance related to a traffic citation. Additionally, this Order activates the Request to be Excused from Traffic Court Appearance, Form 4.70.0.

PROCEDURE:

I. REQUEST TO BE EXCUSED FROM TRAFFIC COURT APPEARANCE, FORM 4.70.0 - ACTIVATED. The Request to be Excused from Traffic Court Appearance, Form 4.70.0, is activated.

A. Use of Form. The Request to be Excused from Traffic Court Appearance form shall be completed by an officer who wishes to be excused from a traffic court appearance related to a traffic citation.

B. Completion. The form is self-explanatory.

C. Distribution.

- 1 - Original, applicable Court Liaison Unit.
- 1 - Copy, Bureau.
- 1 - Copy, Area/division.
- 1 - Copy, Employee.

4 - Total

II. REQUESTS TO BE EXCUSED FROM TRAFFIC COURT. An officer may request to be excused from Traffic Court, related to a traffic citation, when all of the following are met:

- * The officer's traffic court appearance does not involve a City Attorney subpoena or a juvenile court case; and,

Note: A traffic citation subject to a City Attorney Subpoena is a case where the City Attorney's Office has filed charges and issued a subpoena for the appearance of the officer. A juvenile court case is a case involving a juvenile "violin" and a subpoena has been issued by the Superior Court requiring the appearance of the officer.

- * The reason to be excused is deemed necessary and outweighs Department needs and the severity of the charges/offenses involved; and,
- * The officer's request to be excused is listed on the Request to be Excused From Traffic Court Appearance form (e.g., family bonding leave, essential Department training).

Note: "Essential Department Training" is defined as training of a unique nature that cannot be re-scheduled within an immediate time frame, multi-day training wherein a single court appearance would jeopardize completion of the course of instruction, or out-of-the-area training where pre-paid fees would be forfeited as a result of the officer's failure to attend the training.

III. OFFICER'S RESPONSIBILITY. Officers who receive a Court Notice, Form 15.57.0, for their appearance in traffic court, related to a traffic citation, may request to be excused from Traffic Court. Officers requesting to be excused shall:

- * Complete a Request to Be Excused from Traffic Court Appearance, (Form 4.70.0);
- * Submit the Request to be Excused from Traffic Court Appearance form to their commanding officer for approval or disapproval; and,
- * If the request is denied, the officer shall appear in traffic court as notified.

Note: An officer is not excused from his/her traffic court appearance until the request has been approved by his/her commanding officer (or bureau commanding officer when applicable) and the officer has received a signed copy of the approved Request to be Excused from Traffic Court Appearance form.

IV. COMMANDING OFFICER'S RESPONSIBILITY. Upon review of the Request to be Excused from Traffic Court Appearance form, the commanding officer shall:

- * Approve or deny the Request to be Excused from Traffic Court Appearance form;
- * Forward the original completed Request to be Excused from a Traffic Court Appearance form to the Area/divisional Subpoena Control Officer (SCO) and forward a copy to the bureau commanding officer; or,
- * If bureau approval is required, forward the original Request to be Excused From Traffic Court Appearance form to the bureau commanding officer for approval or disapproval; and,
- * Provide a copy of the completed Request to be Excused from a Traffic Court Appearance form to the officer after approval or disapproval by the bureau commanding officer, when applicable.

V. BUREAU COMMANDING OFFICER'S RESPONSIBILITY. Upon review of the Request to be Excused from a Traffic Court Appearance form, the bureau commanding officer shall:

- * When bureau approval is required, approve or deny the Request to be Excused from Traffic Court Appearance form; and,
- * Forward the original Request to be Excused from Traffic Court Appearance form to the applicable court liaison unit; and,
- * Forward a copy of the Request to be Excused from Traffic Court Appearance form to the Area/divisional commanding officer of the requesting officer.

Note: When bureau approval is not required, the bureau commanding officer shall review requests to ensure proper compliance.

VI. SUBPOENA CONTROL OFFICER'S (SCO) RESPONSIBILITY. Area/divisional SCO's upon receiving the original Request to be Excused from Traffic Court Appearance form shall:

- * Record the commanding officer's/bureau commanding officer's determination on the Officer Subpoena Record, Form 15.29.0, adjacent to the traffic court case; and,

- * Forward the original Request to be Excused from Traffic Court Appearance form to the applicable court liaison unit.

VII. COURT LIAISON UNIT'S RESPONSIBILITY. Upon receiving an approved Request to be Excused from Traffic Court Appearance form, personnel assigned to the applicable court liaison unit shall;

- * Record the determination of the Request to be Excused from Traffic Court Appearance form on the related court calendar; and,
- * Retain the Request to be Excused from Traffic Court Appearance form pursuant to Records Retention requirements.

Note: Court Liaison Unit personnel shall utilize the Court Notice, Form 15.57.0, when notifying Department employees of a court appearance related to a traffic citation.

AMENDMENTS: This Order amends Sections 3/210.10 and 3/210.25 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Special Operations Bureau, shall monitor compliance with this Order in accordance with Department Manual Section 0/080.30.

WILLIAM J. BRATTON
Chief of Police

Attachment

Distribution "A"